

REMARKS

In the Office Action, the Examiner has restricted the claims of the application to the following Groups:

- I. Claims 1-98, drawn to a method, classified in class 423, subclass 648.1+;
- II. Claims 99-110 and 135-148, drawn to a catalyst and method for making the same, classified in class 502, subclass 100+; and
- III. Claims 111-134 and 149-202, drawn to a particulate composite material and method for making the same, classified in class 502, subclass 400+.

The Examiner states that the inventions are distinct, each from the other, because the inventions set forth in Claim 99-110 and 135-148 (Group II) and Claims 1-98 (Group I) are related as product and process of use. The Examiner also states that inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). The Examiner states that in this case, the product as claimed can be used for another and materially different process, such as a process for cleaning the exhaust gas emitted from a diesel engine.

The Examiner further states that the inventions are distinct, each from the other, because the inventions set forth in Claims 111-134 and 149-202 (Group III) and Claims 1-98 (Group I) are related as product and process of use. The Examiner also states that the inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). The Examiner states that in this case, the product as claimed can be used for another and materially different process such as a process for filtering particulates out of a fluid.

The Examiner states that the inventions are distinct, each from the other, because

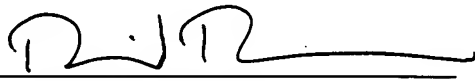
the inventions set forth in Claims 99-110 and 135-148 (Group II) and Claims 111-134 and 149-202 (Group III) are related as combination and subcombination. The Examiner also states that the inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). The Examiner states that in this case, the combination as claimed does not require the particulars of the subcombination as claimed because each group of claims is capable of supporting its' own patent without requiring the claims of the other non-selected group. The Examiner also states that the subcombination has separate utility such as the utility of promoting the steam-reformation of a hydrocarbon (as set forth in the claims of Group II) which is distinct and apart from the utility of sorbing carbon dioxide (as set forth in the claims of Group II).

The Examiner states that because these inventions are distinct for the reasons given above and the claims set forth in Groups I, II and III have acquired a separate status in the art as shown by their different classification.

Applicants hereby elect to prosecute the claims of Group I, namely Claims 1-98. Claims 99-202 have been canceled, however, Applicants reserve the right to pursue any of Claims 99-202 in one or more subsequent divisional and/or continuation applications.

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